

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN T. MOFFETT,

Petitioner,

Case Number: 07-12687

v.

HONORABLE AVERN COHN

THOMAS K. BELL,

Respondent.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION
AND
DENYING PETITION FOR A WRIT OF HABEAS CORPUS
AND
DISMISSING CASE

This is a habeas case under 28 U.S.C. § 2254. Petitioner Brian T. Moffett (Petitioner) is a state prisoner convicted first degree criminal sexual conduct for which he is serving 7-20 years imprisonment. Petitioner, through counsel, filed a petition for a writ of habeas corpus, raising two claims related to his sentence. The matter was referred to a magistrate judge for a report and recommendation (MJRR). The magistrate judge, in a thorough going analysis of Petitioner's claims, carefully considered all of them on the merits and recommends that the application be denied. Petitioner has not objected to the MJRR and the time for filing objections has passed.

Having reviewed the MJRR, the Court agrees with the magistrate judge that Petitioner is not entitled to habeas relief on any of his claims. Accordingly, the findings and

conclusions of the magistrate judge are adopted as the findings and conclusions of the Court. Petitioner's petition for a writ of habeas corpus is DENIED. This case is DISMISSED.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: November 25, 2008

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record and John W. Ujlaky, 3721 W. Michigan Avenue, Suite 304, Lansing, MI 48917-3600 via ordinary mail on this date, November 25, 2008, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160